

## RESOURCES

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

ARTICLE 41, SECTION 4-401

ANNOTATED CODE OF MARYLAND

(A) The General Assembly hereby finds and declares the need to improve the method of establishing standards for correctional facilities and programs and insuring compliance with such standards in order to better protect the health, safety, and welfare of Maryland's citizens by reducing incidents of crime.

(B) (1) In this section the following words have the meanings indicated.

(2) "Commission" means the Maryland Commission on Correctional Standards.

(3) "County" means any county of the State and Baltimore City.

(4) "Municipality" means any incorporated City of the State other than Baltimore City.

(5) "State Correctional Facility" means all places of correctional confinement or correctional institutions within the State of Maryland, primarily operated by the Maryland State Government, including Patuxent Institution.

(6) "Local Correctional Facility" means all places of correctional confinement or correctional institutions within the State of Maryland, primarily operated by local governments.

(7) "Mandatory Standards" means policies and procedures in areas of security and inmate control, inmate safety, inmate food services, inmate housing and sanitation, inmate rights, classification, hearings, and administrative recordkeeping. These standards shall apply to all State and local correctional facilities and shall be consistent with Federal and State law.

(8) "Approved Standards" means policies and procedures in areas such as personnel, training, administration, management, planning and coordination, research and evaluation, physical plant, special management inmates, rules and discipline, mail and visiting, reception and orientation, inmate property control, inmate work programs, education and vocational training, library services, religious services, recreational activities, counseling, release preparation and volunteers, consistent with Federal and State laws. These standards shall apply to all State correctional facilities and may be adopted, in whole or in part, for use by any local correctional facility.

(C) (1) There is a Commission on Correctional Standards. The Commission is an agency of the Department of Public Safety and Correctional Services.

(2) The Governor, by and with the advice and consent of the Senate, shall appoint the 11 members of the Commission, who collectively possess the following qualifications:

(I) Two members shall be Maryland citizens who are not directly employed in the field of corrections;

(II) Two members shall be State government correctional personnel;

(III) Two members shall be local government correctional personnel;

(IV) One member shall be an official or employee of the Commission on Accreditation for Corrections or a similar national correctional accreditation organization;

(V) The Attorney General, Secretary of General Services, and Secretary of State Planning shall be ex-officio members;

(VI) One member shall be an elected official from a local governing body.

(3) Each member of the Commission other than the Attorney General, Secretary of General Services, and Secretary of State Planning shall serve a term of office which is 3 years, except that, of the initial members, three shall be appointed for a term of 1 year, three shall be appointed for a term of 2 years, and two shall be appointed for a term of 3 years.

(4) The Commission, at its initial organizational meeting and thereafter annually, shall elect a Chairperson and Vice Chairperson from among its members.

(5) The Commission shall meet at such times as a majority of its members or its Chairperson may determine.

(6) A simple majority of the members of the Commission shall constitute a quorum for the transaction of any business, the performance of any duty, or the exercise of any of its authority.

(7) The members of the Commission shall receive no salary for service on the Commission, but shall be reimbursed, as provided in the budget, for their reasonable expenses lawfully incurred in the performance of their official function in accordance with standard travel regulations.

(8) The Commission shall report annually to the Governor and to the General Assembly on its activities, and shall provide the Secretary of Public Safety and Correctional Services and the governing body of each county and municipality which has a correctional facility with a copy of its report.

(D) The Commission:

(1) Shall advise the Secretary regarding all mandatory and approved standards for State and local correctional facilities which he is authorized to adopt.

(2) May, to the extent authorized in the budget, provide technical assistance to aid the various jurisdictions in their effort to comply with the mandatory and approved standards.

(3) Shall establish and implement a process for the inspection of facilities in order to determine and certify compliance with applicable standards.

(4) Shall determine deadlines for remedial action and reinspection when inspection reports indicate noncompliance with applicable standards.

(5) May subpoena witnesses and hold public hearings in accordance with the Administrative Procedures Act prior to making a final decision on ordering the closing of a correctional facility or one of its elements.

(6) May issue orders to cease operations of one or more correctional procedures or functions of a correctional facility which has been determined, after a hearing, to be in violation of the mandatory standards. Reasonable notice of a hearing must be given to the agency.

(7) May review and act on appeals of staff inspection reports.

(8) Shall adopt administrative rules and regulations to accomplish the purpose of this section.

(9) Shall appoint, with the approval of the Secretary of Public Safety and Correctional Services, an Executive Director who shall serve at the pleasure of the Commission, perform such administrative functions as the Commission shall direct, and receive a salary as provided in the budget.

(10) Shall employ such other persons as may be necessary to carry out the provisions of this section and as provided for in the State budget.

(11) Shall consult and coordinate with national bodies promulgating correctional standards for the purpose of providing a reasonable compatibility between the State standards and nationally established standards.

(12) Shall consult and cooperate with other departments and agencies of the State and local jurisdictions concerning correctional standards.

(13) May perform such other acts as may be necessary and appropriate to carry out the functions and duties as set forth above.

(E) In the event a duly authorized inspector or the Commission finds a condition that is life threatening or health endangering, he may order the immediate cessation of operation. Within 96 hours of the issuance of such an order, the Commission shall hold a full hearing for the purpose of reviewing and confirming or countermanding the order. When a correctional facility is ordered closed all prisoners therein shall be transferred to and shall be accepted in a place of detention which the Secretary shall determine to be suitable, the expenses therein to be paid by the governing body responsible for the cost of the closed facility.

(F) (1) The Commission shall establish Advisory Boards to assist it. These may include Advisory Boards on:

(I) Adult Detention Centers and Lockups;

(II) Adult Correctional Institutions;

(III) Adult Community Correctional Facilities.

(2) The Chairperson of an Advisory Board shall be a Commission member.

(3) Members will be appointed to the Advisory Boards by the Commission Chairperson with the approval of the Commission.

Section 2. And be it further enacted, that the Jail Programming and Inspection Officer (the position previously created under Article 27, Section 704 (a)), and his staff shall become members of the staff of the Commission. The persons occupying these positions on the effective date of this Act shall continue to receive the same level of salary and benefits previously compensated. The duties of these positions shall be assigned by the Executive Director of the Commission.

Section 3. And be it further enacted, that this act shall take effect July 1, 1980.